



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,849	06/15/2001	David D. Oakey	14060/260090	1929
23370	7590	05/11/2006	EXAMINER	
JOHN S. PRATT, ESQ KILPATRICK STOCKTON, LLP 1100 PEACHTREE STREET ATLANTA, GA 30309			A, PHI DIEU TRAN	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/882,849	Applicant(s) OAKLEY ET AL.	
	Examiner Phi D. A	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,7-12,14-27,41,43-46,54 and 55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 7-12, 14-27, 41, 43-46,54-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/12/05 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 7, 8, 9-10, 22, 41, 43, 54 are rejected under 35 U.S.C. 102(b) as being anticipated by Galpatrick (5016328).

Galpatrick shows a method imparting a grouted edge appearance to a flooring module (16) having at textile face and a plurality of edges, the method comprising moving the module and a shear relative to each other to remove a portion of the textile face along each edge of the module wherein the module is moved in a first direction relative to a first shear and in a direction orthogonal to the first direction, without bending the module in a mechanically driven continuous process, removal of a peripheral portion of the textile face leaves a bevel at the edge of the textile face.

Claim Rejections - 35 USC § 103

4. Claims 2, 11, 12, 23, 25, 44-46, 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gilpatrick (5016328).

Gilpatrick shows a method of imparting a grouted edge appearance to a flooring module having an underside and an upper surface comprising a textile face comprising providing at least one mechanical conveyor that supports the underside of the flooring module, conveying the module in a first direction past a first treating head to remove a portion of the textile face along an edge of the module, conveying the module in a direction orthogonal to the first direction without bending the module in a mechanically driven continuous process, the conveyor moves each of the module edges past at least one of the shears (inherently so), compressing and consolidating at least a portion of the upper surface textile face of the module without penetrating a back surface of the module (inherently so), embossing at least a portion of the upper surface textile face of the module, each treating unit being positioned at an acute angle relative to a face of the flooring module face to produce a beveled edge on the face.

Gilpatrick does not show a second treating head.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Gilpatrick's structure to show a second treating head because having two treating heads treating a structure would speed up the trimming process as less time is required to complete trimming the periphery of the tile.

5. Claims 14, 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilpatrick (5016328).

Gilpatrick shows a method of imparting a grouted edge appearance to a flooring module having an underside and an upper surface comprising at textile face comprising providing at least one mechanical conveyor that supports the underside of the flooring module, conveying the module in a first direction past a first treating head to remove a portion of the textile face along an edge of the module, conveying the module in a direction orthogonal to the first direction without bending the module in a mechanically driven continuous process.

Gilpatrick does not show a first and second linear moving conveyor for advancing in the first and second direction after rotating the module past a first and second pair of treating heads.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Gilpatrick's structure to show a first and second linear moving conveyor for advancing in the first and second direction after rotating the module past a first and second pair of treating heads because having two treating heads treating a structure would speed up the trimming process as less time is require to complete trimming the periphery of the tile, and having two linear conveyors moving the structure would allow for the easy moving and rotating of the structure for trimming/shearing.

Galpatrick as modified shows the first conveyor advancing the module in a direction orthogonal to the direction of the second conveyor and at least one treating head relative to a module edge is adjustable.

6. Claims 15-18, 21, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilpatrick (5016328) in view of Haselwander

Gilpatrick as modified shows all the claimed limitations except for the first and second pairs of treating heads each comprising a heat source, the heat source being a hot air gun, the

Art Unit: 3637

heat sources being a glue gun, each of the first and second conveyors advancing at two different speeds.

Haselwander shows the first and second pairs of treating heads each comprising a heat source, the heat source being a hot air gun, the heat sources being a glue gun, each of the first and second conveyors advancing at two different speeds.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Gilpatrick's modified structure to show the first and second pairs of treating heads each comprising a heat source, the heat source being a hot air gun, the heat sources being a glue gun, each of the first and second conveyors advancing at two different speeds because the device would allow for the efficient and easy trimming of the edges of the tiles as taught by Haselwander.

Per claim 21, Galpatrick as modified shows the position of the hot air gun relative to a module edge is adjustable.

7. Claims 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilpatrick (5016328) in view of Haselwander

Gilpatrick shows all the claimed limitations except for the heads having hot melt adhesive applied to portions of a textile face along an edge of the module.

Haselwander shows the first and second pairs of treating heads each comprising a glue gun.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Gilpatrick's structure to show the heads having hot melt adhesive applied to

Art Unit: 3637

portions of a textile face along an edge of the module because the device would allow for the efficient and easy trimming of the edges of the tiles as taught by Haselwander.

Response to Arguments

8. Applicant's arguments with respect to claims 1-2, 7-12, 14-27, 41, 43-46, 54-55 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

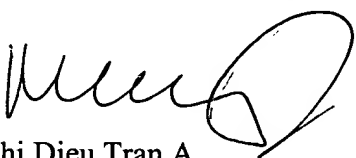
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different apparatus for trimming carpet tiles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3637

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Phi Dieu Tran A', with a large, stylized loop at the end.

Phi Dieu Tran A

5/1/06